

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Lori Precourt, Administrator
of the Estate of Carolyn Black

v.

Civil No. 10-cv-337-LM

Fairbank Reconstruction Corp.,
d/b/a Fairbank Farms; Greater
Omaha Packing Company, Inc.; and
Shaw's Supermarkets, Inc.

O R D E R

Lori Precourt, as administrator of the estate of her mother, Carolyn Black, asserts fourteen claims, based on allegations that her mother died as a result of eating ground beef tainted with E. coli bacteria that was initially supplied by Greater Omaha Packing Company, Inc., processed and distributed by Fairbank Reconstruction Corp., and sold by Shaw's Supermarkets ("Shaw's"). In her First Amended Complaint, Precourt describes both herself and Shaw's as citizens of Massachusetts, yet contends that this court has subject-matter jurisdiction pursuant to 28 U.S.C. § 1332(a). The diversity statute does provide that "the legal representative of the estate of a decedent shall be deemed to be a citizen only of the same State as the decedent," 28 U.S.C. § 1332(c)(2), but here, Precourt has made no factual allegations concerning the

citizenship of Carolyn Black. Thus, it is not apparent from the face of the complaint that this court has subject-matter jurisdiction over Precourt's claims. Moreover, "a court has an obligation to inquire sua sponte into its subject matter jurisdiction, and to proceed no further if such jurisdiction is wanting." Goden v. Schencks, 629 F.3d 79, 83 (1st Cir. 2010) (quoting In re Recticel Foam Corp., 859 F.2d 1000, 1002 (1st Cir. 1988)). Accordingly, Precourt has ten days from the date of this order to show cause why this case should not be dismissed for lack of subject-matter jurisdiction.

SO ORDERED.



Landya McCafferty
United States Magistrate Judge

February 21, 2012

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